

Notice of Allowability	Application No. 09/818,688 Examiner Ted T. Vo	Applicant(s) WU, YOUNG Art Unit 2191
-------------------------------	--	---

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 09/02/05.
2. The allowed claim(s) is/are 1-29.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____

*Ted T. Vo
TED T. VO
Primary Examiner*

1. The amendment and arguments filed on 09/02/05 have been considered.

The Drawings filed on 07/29/01 are accepted.

Prior arts of record, Duesterwald et al., "Software Profiling for Hot Path Prediction: Less is More", ACM 2000, Conte et al., "Using Branch Handling Hardware to Support Profile-Driven Optimization", ACM, 1994, and Wu et al., "An Efficient Software-Hardware Collaborative Profiling Technique for Wide-Issue Processors", 1999, remain the closet arts in searching.

Reasons for Allowance

2. Claims 1-29 are allowed.

Prior of record, Duesterwald, discloses profile change transition and discusses profiling hardware and sampling. The profile change transition is determined in association with threshold values. Prior of record, Conte, describes arc-based profiling which places thresholds on the programming arcs and records the execution frequency along the arcs. It uses branch prediction hardware to support the profiling. Prior art of record, Wu, discloses using profiling hardware to detect profile information in a program.

Applicants' arguments in the remarks section (filed on 09/02/05) that these prior arts of record fails to teach "signaling profile transitions to a dynamic optimizer by the profiling hardware"; particularly, Applicants pointing out that Wu fails to disclose generating an interrupt signal by hardware when profile transition occurs (limitation in Claim 10). The Applicants' arguments are persuasive.

Therefore, the following is an examiner's statement of reasons for allowance: The cited prior arts taken alone or in combination fail to teach claimed invention comprising at least features,

"signaling profile transitions to a dynamic optimizer by the profiling hardware" as recited in independent Claims 1, 19, and *"a second logic device connected to the profile cache to generate a phase interrupt signal"* as recited in Claim 10.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.

The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ted T. Vo
Primary Examiner
Art Unit 2191
November 08, 2005